



REPUBLIC OF CROATIA
MINISTRY OF ENVIRONMENTAL
PROTECTION, PHYSICAL PLANNING
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Zagreb, 13 October 2009

Mr John Hontelez
Secretary General
European Environmental Bureau
Boulevard de Waterloo 34
B-1000 Bruxelles

Dear Mr Hontelez,

I have received your letter regarding the legal action launched by this Ministry against Zelena akcija in response to, as stated in your letter, a peaceful protest action.

We would have appreciated an expression of your opinion after having been acquainted with the facts. The claim that the Ministry submitted a misdemeanour charge to the minor offences court following a protest gathering by Zelena akcija is neither correct nor true. The facts are the following:

On 12 March 2009 activists of Zelena akcija held a protest gathering in front of the entrance of the Ministry due to the failure by the City of Zagreb, or its utility company respectively, to accept from citizens waste paint and varnish packaging – which belongs to the category of dangerous waste - in their recycling yards. Protesters brought with them more than 50 partly full paint and varnish canisters and cans as well as banners.

The Ministry's spokesperson informed the gathered journalists that the Environmental Inspection of the Ministry did not receive a single complaint neither from Zelena akcija nor from citizens on such conduct by the City of Zagreb, and also informed them that the Inspection would perform inspectional supervision. The spokesperson also informed of the obligation of municipalities and cities, deriving from the Waste Act and ordinances, relating to the disposal of hazardous waste by citizens, and in particular by companies and the industry. In view of the above, as well as of the fact that the gathered Zelena akcija activists operate in the City of Zagreb, she established that they were protesting at the wrong address, if the intention of their protest was to induce the implementation of legal provisions at the local level. Mr Galović and other activists of Zelena akcija did not agree with the

spokesperson and stated that they would leave the canisters and cans in front of the Ministry and that Ministry should take care thereof. The Ministry's spokesperson pointed out to the activists that they could not leave hazardous waste in a public space and asked them to remove it, as otherwise the Ministry would be forced to call the inspection. Despite this warning, Zelena akcija activists left the location, took the banners with them, but left behind the waste which no longer constituted a part of their protest nor of the attention-drawing. Thereupon, an environmental inspector performed inspectional supervision and issued a decision which was on the same day handed to Zelena akcija. In the late afternoon activists collected the waste by car.

Zelena akcija now denies the fact that it left the waste behind and claims that, regardless of the inspectional decision, it would have collected it, which is not correct. Their decision to leave the waste in front of the Ministry was also recorded in press reports (please find enclosed articles of 13 March 2009 published in Novi list and Večernji list). The inspectional decision was followed by misdemeanour charges to the Minor Offences Court. The claim by Zelena akcija that the Ministry withdrew as much as two legal actions against INA Oil Refinery Sisak is not correct. So far, 7 misdemeanour charges have been filed against INA Oil Refinery Sisak, and not a single one of them has been withdrawn by the Ministry. Only in 2008 the environmental inspection filed 419 misdemeanour charges to minor offences courts for established irregularities, and these courts ruled that 432 pecuniary penalties had to be paid in the amount of 10,524,350 kuna. Please note that since 2004 until now the environmental inspection has not withdrawn any misdemeanour charges. An aggravating circumstance in this misdemeanour by Zelena akcija is the activity of this organisation, or rather its assumed awareness of the field of environmental protection and of legal and other subordinate acts related to waste management and disposal.

The organisation failed to notify the Ministry of the Interior of this gathering, which they had the obligation to do. By placing the canisters and cans and the banners at the very entrance of the Ministry they obstructed the free passage and access to the Ministry, which is also visible in the footage of the protest. The Ministry did not respond to these omissions.

Following the above, it should be pointed out that until 2004 Croatia did not have an elaborated environmental policy, and that only after 2004 environmental protection and waste management acts were adopted aligned with the EU acquis, that the sustainable development strategy and the waste management strategy of the Republic of Croatia were adopted, as well as the waste management plan for Croatia for the period 2007–2015 and ordinances and regulations (18+2) on the disposal of all types of waste from PET packaging to accumulators. The Environmental Protection and Energy Efficiency Fund became operational, through which the funds necessary for environmental protection programmes are provided. For these tasks 4000 new jobs were created. In the period after 2004 the remediation of 299 unregulated municipal waste landfills was initiated (out of which 66 are already remediated), as well as of 1024 illegal dumpsites (out of which 551 are remediated), remediation of 8 industrial hazardous waste sites is underway, construction of 4 county waste management centres is under preparation with financial assistance by the EU, while for five centres design documentation is under preparation.

These are the main achievements in the work carried out over the past six years by this Ministry, and the Government and Parliament respectively. In view of this major and key change resulting from such policy in the field of environmental protection, the understanding and support of the public is essential.

Unfortunately, it needs to be pointed out that until 2004 Zelena akcija found no reason to stage protests in front of the Ministry, although up to that point very little or almost nothing was done in the field of environmental protection. In the realisation of a number of concrete environmental protection programmes an active participation of green organisations in educating the population of local communities would be helpful for a more effective implementation of these programmes. Therefore, each year the Ministry co-finances programmes of NGOs, as well as activities in schools and other citizen activities aimed at encouraging and educating the population to protect the environment (in 2009 three million kuna were allocated). For example, the Ministry adopted ordinances on the management of all types of waste, and pursuant to acts and ordinances, local communities and counties have certain obligations such as the establishment of a sufficient number of recycling yards and acceptance of waste. Unfortunately, with regard to the application of environmental regulations, Zelena akcija in this as well as in a number of other cases is focused on the Ministry, while almost no focus is directed on the local level.

Yours sincerely,

Minister

Marina Matulović Dropulić, B.Arch.